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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/942,682	08/31/2001	Germain Fournier	13193-2"US"	9307

20988 7590 01/14/2004  
OGILVY RENAULT  
1981 MCGILL COLLEGE AVENUE  
SUITE 1600  
MONTREAL, QC H3A2Y3  
CANADA

EXAMINER

RIDLEY, RICHARD

ART UNIT	PAPER NUMBER
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3651

DATE MAILED: 01/14/2004

Please find below and/or attached an Office communication concerning this application or proceeding.



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09/942,682	08/31/2001	Germain Fournier	13193-2"US"	9307

20988 7590 11/26/2002

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EXAMINER

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*Remanded*  
*1-18-04*

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**Office Action Summary**

Application No.

09/942,682

Applicant(s)

FOURNIER ET AL. 

Examiner

Richard Ridley 

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 04 December 2001.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-12 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 12 is/are rejected.
- 7) ☒ Claim(s) 2-11 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 31 August 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some \* c) ☐ None of:
1. ☒ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_.
- 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_.

## DETAILED ACTION

### *Priority*

Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d).

The certified copy has been filed in parent Application No. 09/942,682, filed on 31 August 2001.

### *Specification*

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

The purpose of the abstract is not to recite the claims but to acquaint the searcher with the gist of the disclosure at a glance. The abstract should therefore be in concrete, simple terms and short, readable sentences designed primarily to provide the reader with an especially readily understood overview of the disclosure. Correction is required. See MPEP § 608.01(b).

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

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2. Claim 1, 12 are rejected under 35 U.S.C. 102(b) as being anticipated by Raybon et al. (USP 5,605,216). Raybon discloses all of the claim limitations in a similar turning device comprising a(n):

- At least one turning member (156) moveable between an idle position and an operational position (the member 156 is idle when not actuated to turn a conveyed wood piece and is operational when actuated to turn a conveyed piece; C4/L55-60)
- Sensor (15; C2/L52-61) located upstream of said turning member (C4/L14-16), for scanning the wood pieces on the conveyor
- Operator (air control device; C4/L55-66) controlled by said sensor and adapted, when actuated, to selectively cause said turning member to be displaced to said operational position for turning a given elongated wood piece on the conveyor to a desired position

Additionally, regarding claim 12, Raybon discloses the claimed method for turning an elongated wood piece, the method comprising:

- a. Providing a sensor (15; C2/L52-61) to determine if a wood piece is to be turned on the conveyor
- b. Providing a motorized turning member (156) automatically operated if it has been determined in step (a) that the wood piece is to be turned such as to cause the elongated wood piece to be turned on the conveyor by said turning member to a desired position (C4/L55-66)

***Claim Objections***

3. Claims 2, 4, 5, 6, 12 are objected to because of the following informalities:
- In claims 2 & 12, the word “motorised” should be --motorized--;
  - In claim 4, line 5, the phrase “displaces in” should be replaced with the phrase --is moved into--;
  - In claim 4, line 7, the phrase “so as to displace in” should be replaced with the word --into--;
  - In claim 5, line 1, the word “a”, second occurrence, should be deleted;
  - In claim 6, last line, the word “in” should be --into--;
  - In general, use of the term “displace” in the claims is not incorrect per se. However, the examiner suggests, for better readability of the claims, that the term *move* or *moves* be used to indicate movement.

Appropriate correction is required.

***Allowable Subject Matter***

4. Claims 2-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims and to overcome the objections of this Office Action.

5. The following is an examiner’s statement of reasons for allowance:

While the prior art of record, in particular Raybon ‘216, may disclose a turning member that turns conveyed articles, they do not disclose a “turning member mounted to a motorized carrier for continuously displacing said turning member adjacent the conveyor wherein said

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operator while the turning is being displaced by the carrier is adapted to selectively move said turning member to said operational position". The turning member of Raybon is indeed mounted to a motorized carrier, however, the carrier does not continuously displace the turning member wherein said operator while the turning is being displaced by the carrier is adapted to selectively move said turning member to said operational position. The turning member in Raybon is displaced only when controlled to do so by a sensor. In other words, the turning member in Raybon may or may not move at all, as such movement is determined and controlled by a sensed condition. Accordingly, the claimed combination, wherein comprising a turning member mounted to a motorized carrier for continuously displacing said turning member adjacent the conveyor wherein said operator while the turning is being displaced by the carrier is adapted to selectively move said turning member to said operational position, is allowable over the prior art of record.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

### ***Conclusion***


6. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

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7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Ridley whose telephone number is (703) 306-5910. The examiner can normally be reached on Mon-Thur 7:00 am - 5:15 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Chris Ellis can be reached on (703) 308-1113. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 305-7687 for regular communications and (703) 308-0552 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.



Richard Ridley  
November 21, 2002

Richard Ridley  
Examiner  
Art Unit 3651